

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION ----- This document applies to:  ETHICON WAVE 4 CASES LISTED IN EXHIBIT A	Master File No. 2:12-MD-02327 MDL 2327  JOSEPH R. GOODWIN U.S. DISTRICT JUDGE
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**NOTICE OF ADOPTION OF PRIOR *DAUBERT* MOTION CHALLENGING  
GENERAL-CAUSATION OPINIONS OF DIONYSIOS K. VERONIKIS, M.D.  
FOR WAVE 4**

Defendants hereby adopt and incorporate by reference their *Daubert* motion challenging the general-causation opinion testimony of Dionysios K. Veronikis, M.D. filed in Ethicon Wave 3, Dkt. 2820 (motion) and Dkt. 2821 (memorandum in support). Defendants respectfully request that the Court exclude Dr. Veronikis's general-causation testimony, for the reasons expressed in the Wave 3 briefing and, as to his alternative-procedures opinions, for the additional reason that this Court has subsequently found that an alternative surgical procedure is not an alternative design. *See Mullins v. Johnson & Johnson*, No. 2:12-cv-02952, 2017 WL 711766, at \*2 (S.D.W. Va. Feb. 23, 2017); *see also In re: Ethicon, Inc. Pelvic Repair Sys. Prod. Liab. Litig.*, MDL No. 2327, 2017 WL 1264620, at \*3 (S.D.W. Va. Mar. 29, 2017) ("I agree with Ethicon that alternative procedures/surgeries do not inform the issue of whether an alternative design for a product exists.").

This notice applies to the Wave 4 cases identified in Exhibit A attached here.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that on April 11, 2017, I electronically filed this document with the clerk of the court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

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# EXHIBIT A

**LIST OF CASES TO WHICH MOTION TO EXCLUDE GENERAL-CAUSATION  
TESTIMONY OF DIONYSIOS K. VERONIKIS, M.D. APPLIES**

1. *Audrey J. Euans, et al. v. Ethicon, Inc., et al.*, Civil Action No. 2:12-cv-04514 (Gynemesh PS; TVT-O\*)
2. *Carol Fredenburg, et al. v. Ethicon, Inc., et al.*, Civil Action No. 2:12-cv-04513 (Gynemesh PS; TVT-O\*; Prosima\*; TVT)
3. *Pamela M. Gracon, et al. v. Ethicon, Inc., et al.*, Civil Action No. 2:12-cv-04516 (Gynemesh PS)
4. *Tiffany Gutillo v. Ethicon, Inc., et al.*, Civil Action No. 2:12-cv-03378 (Gynemesh PS; TVT-O\*)
5. *Barbara Heidel, et al. v. Ethicon, Inc., et al.*, Civil Action No. 2:12-cv-03236 (TVT-O\*)
6. *Pamela F. Johnson, et al. v. Ethicon, Inc., et al.*, Civil Action No. 2:12-cv-03615 (Gynemesh PS; TVT-O\*)
7. *Carol Ocker v. Ethicon, Inc., et al.*, Civil Action No. 2:12-cv-03227 (TVT)
8. *Wanda Presley, et al. v. Ethicon, Inc., et al.*, Civil Action No. 2:12-cv-04945 (Gynemesh PS; TVT-O\*)
9. *Donna Plahmer, et al. v. Ethicon, Inc., et al.*, Civil Action No. 2:12-cv-03241 (TVT)

\*Dr. Veronikis does not offer general-causation opinions as to the Prosima and TVT-O products, and therefore the general-causation opinions he offers here do not apply to those products in these cases (*Euans, Fredenburg, Gutillo, Heidel, Johnson, and Presley*).

\*\*Defendants reserve the right to supplement this list should any plaintiff designate Dr. Veronikis as a general-causation expert in MDL Wave 4.